

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

SMARTMATIC USA CORP.;)
SMARTMATIC INTERNATIONAL)
HOLDING B.V.; and SGO)
CORPORATION LIMITED,)
) No. 22-cv-00098-WMW-JFD
Plaintiffs,)
)
vs)
)
MICHAEL J. LINDELL and)
MY PILLOW, INC.,)
)
Defendants.)

The videotaped deposition of
ANTONIO MUGICA
30(b)(6)

called for examination pursuant to notice and
pursuant to the Federal Rules of Civil Procedure for
the United States District Courts, taken before
JO ANN LOSOYA, Certified Shorthand Reporter within
and for the County of Cook and State of Illinois, at
71 South Wacker Drive, Chicago, Illinois, on
September 27, 2023 commencing at 10:11 a.m. CT.

1 PRESENT:

2
3 BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
J. ERIK CONNOLLY
4 JAMIE N. WARD
71 South Wacker Drive
5 Chicago, Illinois 60606
econnolly@beneschlaw.com
6 jward@beneschlaw.com

Appeared on behalf of the Plaintiffs;

7
8 PARKER DANIELS KIBORT LLC
NATHANIEL R. GREENE
9 CODY BLADES
123 North 3rd Street
10 Suite 888, Colwell Building
Minneapolis, Minnesota 55401
11 greene@parkerdk.com
blades@parkerdk.com

12 Appeared on behalf of the Defendants.
13

14 ALSO PRESENT:

Colin Flannery, In-House Counsel, Smartmatic

15
16
17
18 VIDEOGRAPHER: KEVIN DUNCAN
19 STENOGRAPHICALLY REPORTED BY:
JO ANN LOSOYA, CSR, RPR, CRR
20 CSR LICENSE: 084-002437
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EXAMINATION

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1 THE VIDEOGRAPHER: Good morning. We are
2 going on the video record at 10:11 a.m. on
3 September 27, 2023.

4 Here begins the 30(b)(6)
5 video-recorded deposition of Smartmatic USA
6 Corporation testimony provided by Antonio Mugica in
7 the case matter of Smartmatic USA Corporation et
8 al., versus Michael J. Lindell et al., filed in the
9 District Court for the District of Minnesota,
10 bearing case number 22-cv-00098-WMV-JFD.

11 Today's deposition is being held at
12 71 South Wacker Drive Chicago, Illinois.

13 My name is Kevin Duncan and I am a
14 certified legal video specialist representing
15 Veritext Legal Solutions. The court reporter today
16 is Ms. JoAnn Losoya from Veritext Legal Solutions.

17 Counsel, will you please identify
18 yourselves for the record starting with the noticing
19 party.

20 MR. GREENE: Nathaniel Greene on behalf
21 of defendants.

22 MS. BLADES: Cody Blades on behalf of the
23 defendants.

24 MR. CONNOLLY: Erik Connolly on behalf of
25 Smartmatic.

1 MS. WARD: Jamie Ward on behalf of
2 Smartmatic.

3 THE VIDEOGRAPHER: Thank you, counsel.
4 Will the court reporter please
5 administer the oath.

6 (Witness sworn at 10:13 a.m.)

7 WHEREUPON:

8 ANTONIO MUGICA,
9 called as a witness herein, having been first duly
10 sworn, was examined and testified as follows:

11 E X A M I N A T I O N

12 BY MR. GREENE:

13 Q. Good morning, Mr. Mugica.

14 A. Good morning.

15 Q. I know we introduced ourselves earlier
16 but my name is Nathaniel Greene. I'm the attorney
17 representing the defendants, Michael Lindell and
18 My Pillow, in this case.

19 A. Nice to meet to you.

20 Q. Nice to meet you, too.

21 I'm going to go over some ground
22 rules with you here in a second. I'm going to make
23 a record as I mentioned previously before we started
24 beforehand, Mr. Connolly may have something to state
25 in response, and then we'll kind of kick things off.

1 the same way you're deposing me today, right.

2 Q. So were you deposed in your individual
3 capacity or as a representative of Smartmatic or
4 SGO?

5 A. I actually don't remember. We would have
6 to ask the lawyers at that time. Yeah.

7 Q. Okay. Same question for the ES&S
8 lawsuit, do you recall?

9 A. No. It would be the same answer.

10 Q. Okay. All right. So let's talk about
11 the topics for which you have been designated under
12 Rule 30(b)(6) to testify on behalf of Smartmatic.

13 A. Very good.

14 Q. So you understand that you have been
15 designated to testify as to several topics in this
16 case in response to the Defendant's 30(b)(6)
17 deposition notice. Do you understand that?

18 A. Yes, I do understand that.

19 Q. So I'm just going to walk through the
20 topics quickly with you and just make sure that my
21 understanding of what you have been designated on is
22 the same as yours.

23 A. Okay.

24 Q. So you have been designated to discuss
25 plaintiff's corporate structure including the

1 relationship between the three plaintiffs in this
2 case, and the executives and officers of the
3 plaintiffs from January 1, 2016, to the present. Is
4 that your understanding?

5 A. Yeah, I'm okay with that.

6 Q. Okay. Okay. With regard to Topic 2,
7 knowledge concerning plaintiff's ownership, so the
8 ownership of the three companies, from January 1,
9 2016, to the present, including shareholders and
10 that sort of thing. Is that your understanding as
11 well?

12 A. Yes, that's my understanding.

13 Q. Okay. With regard to Topic 3, knowledge
14 concerning any prior or current relationships,
15 investments, or loans between plaintiffs and two
16 organizations, the National Electoral Council of
17 Venezuela and the Sociedad de Capital de Riesgo.

18 A. Sure.

19 Q. Is that your understanding as well?

20 A. Yes.

21 Q. Okay. Did I pronounce that correctly by
22 the way?

23 A. Yeah.

24 Q. Okay. Close enough?

25 A. That was good.

1 Q. My wife is from Mexico so my Spanish is
2 not very good, but I'm working on it.

3 You have also been designated with
4 regard to Topic No. 8, which is knowledge concerning
5 the evidentiary and financial basis for the -- some
6 of the allegations in plaintiff's complaint,
7 specifically Paragraph 358 to 365, or -- I'm sorry,
8 I'm getting ahead of myself -- regarding the
9 allegation of Paragraph 365 regarding the loss of
10 business valuation of Smartmatic. Is that your
11 understanding?

12 A. I mean I cannot see Paragraph 355, but if
13 the topic is loss of business valuation, I'm okay
14 with answering that.

15 Q. Okay. Okay. You have also been
16 designated with regard to Topic 9, which is
17 knowledge concerning any commercial connection
18 between plaintiffs and other voting machine
19 companies, including Dominion, ES&S, Hart, or
20 InterCivic. Are you prepared to talk about that as
21 well?

22 A. Yes.

23 Q. Okay. You've also been designated with
24 regard to Topic 10, which is knowledge concerning
25 any and all valuation of plaintiffs from January 1,

1 2016, to the present, so similar to Topic 8
2 regarding business valuation, including any loss in
3 value to plaintiff's business lines. Are you
4 prepared to talk about that as well?

5 A. Yes, I am.

6 Q. Okay. Two more and then we'll be
7 through.

8 You have also been designated with
9 regard to Topic 13, which is knowledge concerning
10 the evidentiary and financial basis for alleged
11 damages incurred by plaintiffs as described in
12 your -- in the first supplemental complaint,
13 Paragraphs 358 to 365, and we'll talk about those
14 specifically, but basically with regard to the
15 damages that plaintiffs are claiming in this
16 complaint, is that --

17 A. I'm okay with discussing damages, yes.

18 Q. Okay. And then finally you have been
19 designated with regard to Topic 29, which is fairly
20 lengthy and I won't read the whole thing for the
21 record. But basically it is dealing with the
22 damages that plaintiffs are claiming in this
23 lawsuit, including some of the information that's
24 been provided previously in discovery about specific
25 damages, specific opportunities that have been lost

1 or claimed to have been lost. Is that something
2 that you're prepared to testify to?

3 A. I am prepared to testify.

4 Q. Okay. Okay. I appreciate that. With
5 regard to the topics that you have been designated
6 on, why were you designated for those topics?

7 MR. CONNOLLY: In answering that
8 question, I will instruct you to exclude any
9 information or conversations you have had with
10 counsel.

11 MR. GREENE: I'll rephrase.

12 BY MR. GREENE:

13 Q. Excluding any confirmations or, excuse
14 me, conversations that you have had with attorneys
15 in this case, why were you designated for these
16 topics?

17 MR. CONNOLLY: If you can answer.

18 THE WITNESS: I'm sorry?

19 MR. CONNOLLY: If you can answer, go
20 ahead.

21 BY THE WITNESS:

22 A. Because I have the knowledge.

23 Q. Okay. Who designated you to speak on
24 behalf of plaintiffs on these topics?

25 MR. CONNOLLY: If you can answer that